

File No.

SEARCH WARRANT

IN THE MATTER OF

Accounts, assoc. devices inside geographical area listed

Date Issued 4/11/19 Time Issued 2:29 ☐ AM ☒ PM

Name Of Applicant
Detective GH Petersen of the Raleigh Police Department

Name Of Additional Affiant

Name Of Additional Affiant

RETURN OF SERVICE

I certify that this Search Warrant was received and executed as follows:

Date Received 4/11/19 Time Received 229 ☐ AM ☒ PM

Date Executed 4/12/19 Time Executed 1200 ☐ AM ☒ PM

☒ I made a search of accounts associated w/ devices on geographical area.

_____ as commanded.

☒ I seized the items listed on the attached inventory.

☐ I did not seize any items.

☐ This Warrant WAS NOT executed within forty-eight (48) hours of the date and time of issuance and I hereby return it not executed.

Name Of Officer Making Return (type or print)
GH Petersen

Signature Of Officer Making Return
[Signature]

Department Or Agency Of Officer
Raleigh PD

Incident Number

STATE OF NORTH CAROLINA

Wake _____ County

In The General Court Of Justice
District/Superior Court Division

To any officer with authority and jurisdiction to conduct the search authorized by this Search Warrant:

I, the undersigned, find that there is probable cause to believe that the property and person described in the application on the reverse side and related to the commission of a crime is located as described in the application.

You are commanded to search the premises, vehicle, person and other place or item described in the application for the property and person in question. If the property and/or person are found, make the seizure and keep the property subject to Court Order and process the person according to law.

You are directed to execute this Search Warrant within forty-eight (48) hours from the time indicated on this Warrant and make due return to the Clerk of the Issuing Court.

This Search Warrant is issued upon information furnished under oath or affirmation by the person(s) shown.

Date 4/11/19 Name (type or print) [Signature] Signature [Signature]

☐ Deputy CSC ☐ Assistant CSC ☐ CSC ☐ Magistrate ☐ District Ct. Judge ☒ Superior Ct. Judge

NOTE: When issuing a search warrant, the issuing official must retain a copy of the warrant and warrant application and must promptly file them with the clerk. G.S. 15A-245(b).

This Search Warrant was delivered to me on the date and at the time shown below when the Office of the Clerk of Superior Court is closed for the transaction of business. By signing below, I certify that I will deliver this Search Warrant to the Office of the Clerk of Superior Court as soon as possible on the Clerk's next business day.

Date _____ Time ☐ AM ☐ PM Name Of Magistrate (type or print) _____ Signature Of Magistrate _____

This Search Warrant was returned to the undersigned clerk on the date and time shown below.

Date 5/13/19 Time 3:44 ☐ AM ☒ PM Name Of Clerk (type or print) Cynthia H. B. BBH Signature Of Clerk [Signature]

☒ Dep. CSC ☐ Asst. CSC ☐ CSC

Original - File Copy - For Search of a Person, to Person from Whom Items Taken

Copy - For Search of Vehicle/Premises, to Owner or Person in Apparent Control; if No Such Person Present, Leave Copy Affixed Thereon

(Over)

IN THE MATTER OF:

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT

REF:

Accounts associated devices that were inside the following geographical area:

North West Corner 35.858148° -78.655719°

North East Corner 35.858444° -78.655088°

South East Corner 35.857674° -78.655165°

South West Corner 35.858017° -78.654377°

During the following time frame: 0100 hours Eastern and 1000 hours Eastern, on 4/7/2019, data maintained on computer servers controlled by Google, Inc.

ATTACHMENT I- PROPERTY/EVIDENCE TO BE SEIZED:

The facts and circumstances outlined in this affidavit brought on by **Detective GH Petersen** suggest that there is probable cause to believe evidence of the commission of the crime of **second degree sexual offense**, a violation of North Carolina General Statute **14-27.5** (hereinafter "Subject Offense), may be found within computer servers maintained or controlled by Google, Inc. or Google Payment Corp. Such accounts are described further in ATTACHMENT II (hereinafter "the Accounts") stored at premises controlled by Google, Inc., a company that accepts service of legal process at 1600 Amphitheatre Parkway, Mountain View, California 94043. The following material is sought for the time period of **0100 hours Eastern and 1000 hours Eastern, on 4/7/2019:**

1. For each type of Google account that is associated with a device that was inside the geographical area described further in ATTACHMENT II, **during the time frame listed above**, Google will provide "**anonymized information**" regarding the Accounts that are associated with a device that was inside the described geographical area during the time frame described above. This "**anonymized information**" will include a numerical identifier for the account, the type of account, time stamped location coordinates and the data source that this information came from if available. The information initially provided by Google will not contain any further content or information identifying the user of a particular device or account.
2. Law enforcement officers will review this "**anonymized information**" provided by Google, Inc. in an effort to narrow down the list of accounts associated with devices identified in the "**anonymized information**". Law enforcement officers will attempt to narrow down the list by reviewing the time stamped location coordinates for each account and comparing that against the known time and location information that is specific to this crime.
3. Law enforcement officers will return a list that they have attempted to narrow down. This list will still be identified by the "**anonymized information**" described above. After this review by Law Enforcement and upon request, Google, Inc. shall produce "contextual data points with points of travel outside of the geographical area" described further in ATTACHMENT II of this Application for Search Warrant. **The time frame will be expanded** for this production of "contextual data points with points of travel outside of the geographical area" for 30 minutes before AND 30 minutes after the initial search time period of **0100 hours Eastern and 1000 hours Eastern, on 4/7/2019. This expanded time frame will be from 0100 hours Eastern and 1000 hours Eastern, on 4/7/2019.** Google Inc. shall provide this additional information to Law Enforcement for review.
4. Law Enforcement officers will review this additional information along with the "**anonymized information**" and will attempt to narrow down the list by comparing this additional information regarding travel and time against the known time and location information that is specific to this crime.
5. After review and upon request by Law Enforcement, Google Inc. shall provide identifying account information / CSI for the account/s requested by Law Enforcement. This identifying account information / CSI shall include all of the following that are available: user name and subscriber information to include date of birth if available, account type and account number, email addresses associated with the account, electronic devices associated with the account and their identifying make, model and other identifying numbers, telephone numbers associated with the account including telephone numbers used to set up the account, verify the account or to receive assistance with the account, and Google Voice phone numbers associated with the account.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11 DAY OF April, 2019.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☒ Judge


Signature of Applicant

IN THE MATTER OF:

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT

REF:

Accounts associated devices that were inside the following geographical area:

North West Corner 35.858148° -78.655719°

North East Corner 35.858444° -78.655088°

South East Corner 35.857674° -78.655165°

South West Corner 35.858017° -78.654377° During the following time frame: 0100 hours Eastern and 1000 hours Eastern, on 4/7/2019, data maintained on computer servers controlled by Google, Inc.

ATTACHMENT II- PLACES TO BE SEARCHED:

This search warrant applies to the Google Accounts associated with devices that were located inside the following geographical area: **North West Corner 35.858148° -78.655719°**

North East Corner 35.858444° -78.655088°


South East Corner 35.857674° -78.655165°

South West Corner 35.858017° -78.654377° During the following time frame: 0100 hours Eastern and 1000 hours Eastern, on 4/7/2019, This data is maintained on computer servers that are stored at premises controlled by Google Inc., a company that accepts service of legal process at 1600 Amphitheatre Parkway, Mountain View, California 94043.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11 DAY OF April, 20 19.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☒ Judge



Signature of Applicant

Page 2 of 6

IN THE MATTER OF:

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT

REF:

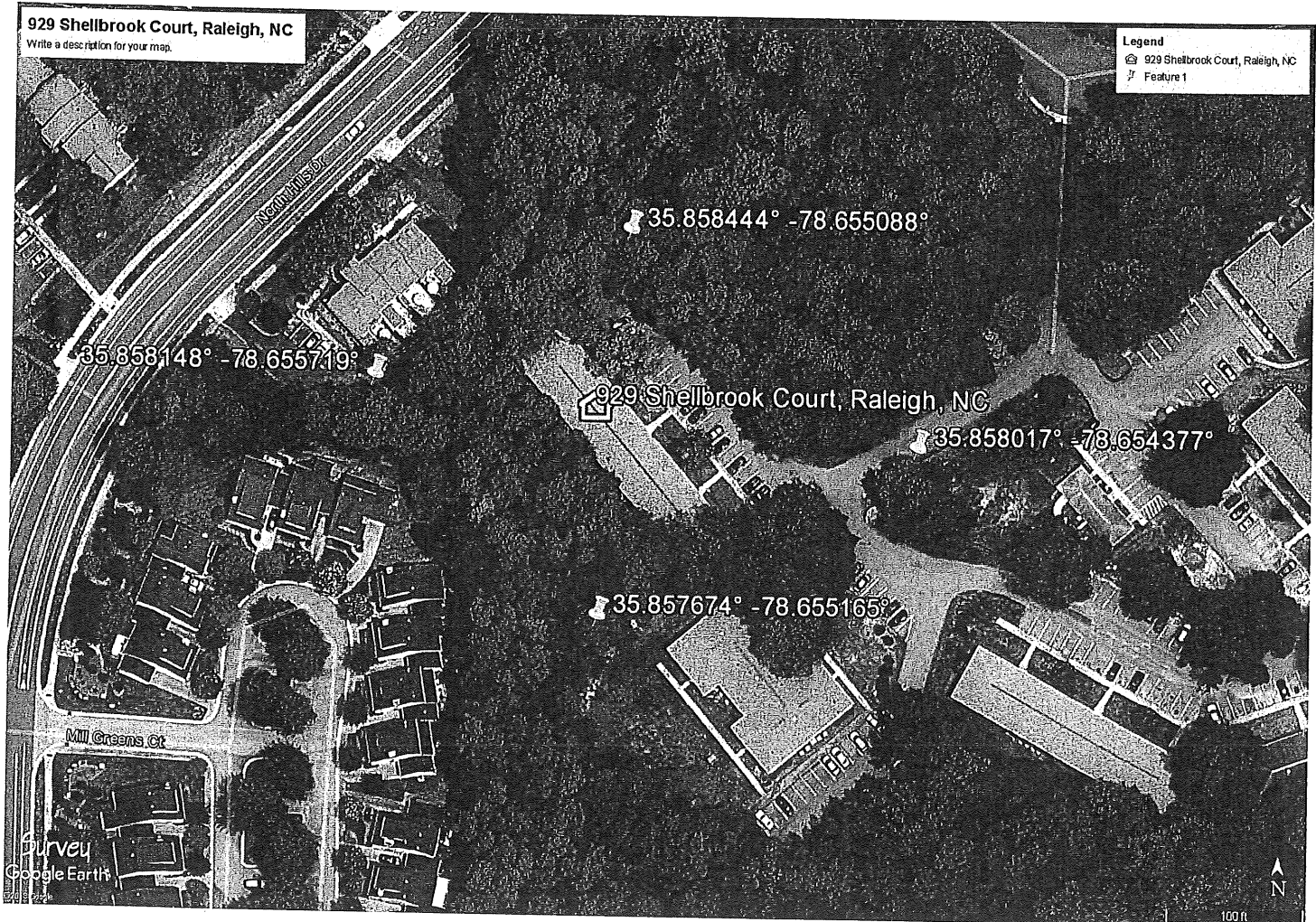
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A law enforcement officer will serve this warrant by transmitting it via email or another appropriate manner to the Provider, Google Inc. The Provider is directed to produce to the law enforcement officer an electronic copy of the information specified in ATTACHMENT I.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11 DAY OF April, 20 19.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☒ Judge

Signature of Applicant

Page 3 of 6

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ATTACHMENT III - PROBABLE CAUSE AFFIDAVIT:

The Affiant swears to the following facts to establish probable cause for the issuance of a search warrant:

On 4/7/2019 around 0400 hours, the victim awoke in her residence to find a black male subject standing beside her bed. The victim started to scream and the suspect struck the victim in the mouth in an attempt to stop the yelling. The suspect ordered the victim out of the bed and to remove her clothes. The victim followed the orders fearing further violence. The suspect then ordered the victim to perform felatio three separate times during the assault. The victim felt the clothing of the suspect during the assault and felt what she believed to be a cell phone in the suspect's pocket. The suspect ordered the victim to shower and the victim followed his orders. Around 0500 hours, the suspect fled with the victim's clothing that she removed earlier. The suspect kept the victim from seeing his face during the incident. The victim's residence is located within the parameters listed above.

I am requesting this search warrant to help locate and identify the suspect involved in this case. I believe the information gathered from this search warrant will be of value towards that goal. Therefore, I request that this warrant be signed.

This applicant knows that a cellular telephone or mobile telephone is a handheld wireless device primarily used for voice, text, and data communication through radio signals. Cellular telephones send signals through networks of transmitter/receivers called "cells" or "cell sites," enabling communication with other cellular telephones or traditional "landline" telephones. Cellular telephones rely on cellular towers, the location of which may provide information on the location of the subject telephone. Cellular telephones may also include global positioning system ("GPS") or other technology for determining a more precise location of the device.

This applicant also knows that Google is a company which, among other things, provides electronic communication services to subscribers, including email services. Google allows subscribers to obtain email accounts at the domain name gmail.com and/or google.com. Subscribers obtain an account by registering with Google. A subscriber using the Provider's services can access his or her email account from any computer/device connected to the Internet.

This applicant knows that Google has also developed a proprietary operating system for mobile devices, including cellular phones, known as Android. Nearly every cellular phone using the Android operating system has an associated Google account, and users are prompted to add a Google account when they first turn on a new Android device.

Based on this applicant's training and experience, this applicant knows that Google collects and retains location data from Android-enabled mobile devices when a Google account user has enabled Google location services. Google can also collect location data from non-Android devices if the device is registered to a Google account and the user has location services enabled. The company uses this information for location-based advertising and location-based search results and stored such data in perpetuity unless it is manually deleted by the user. This location information is derived from GPS data, cell site/cell tower information, Bluetooth connections, and Wi-Fi access points.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11 DAY OF April, 2019.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☒ Judge


Signature of Applicant

Page 4 of 6

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This applicant knows that location data can assist investigators in forming a fuller geospatial understanding and timeline related to a specific criminal investigation; and may tend to identify potential witnesses and/or suspects. Such information can also aid investigators in possibly inculcating or exculpating persons of interest.

Additionally, location information can be digitally integrated into image, video, or other computer files associated with a Google account and can indicate the geographic location of the accounts user at a particular date and time (e.g., digital cameras, including on cellular telephones, frequently store GPS coordinates indicating where a photo was taken in the "metadata" of an image file).

This applicant respectfully submits that there is probable cause to believe that information stored on the Providers' servers associated with the Google accounts and/or devices located at the location and timeframe specified in ATTACHMENT II, will contain evidence, fruits and instrumentalities of the Subject Offense¹

The information sought from Google regarding the Subject Accounts, specified in ATTACHMENT I to this warrant, will assist in identifying which cellular devices were near the location where the crime being investigated occurred during the time frame it is currently believed to have occurred. This information may assist law enforcement in determining which persons were present or involved with the Subject Offense under investigation.

The applicant would respectfully request the court issue a search warrant for the material outlined in ATTACHMENT I of the above-mentioned premises controlled by Google.


All information and facts provided in this affidavit are true and accurate to the best of the applicant's knowledge. The applicant feels that there is sufficient probable cause for the issuance of a search warrant for the evidence, fruits, and instrumentalities of violations of Subject Offense which may be contained within the furnished records.

¹ The State of North Carolina maintains that the information sought herein consists entirely of "record[s]" other than the "contents of communications" which is subject to the provisions outlined in 18 U.S.C. § 2703(d). Such records, requires only a showing that there are reasonable grounds to believe that the information sought is relevant and material to an ongoing criminal investigation. See 18 U.S.C. § 2703(c)(1)(A). Despite this, Google has indicated that it believes a search warrant, and not a court order, is required to obtain the location data sought in this application. Although the Government disagrees with Google's position, because there is probable cause to believe that the information sought herein will contain evidence of the criminal offenses specified in this affidavit, the Government is seeking a search warrant in this case.

SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11 DAY OF April, 20 19.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☒ Judge


Signature of Applicant

Page 5 of 6

IN THE MATTER OF:

ATTACHMENT TO APPLICATION
FOR SEARCH WARRANT

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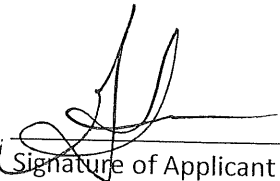
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SWORN TO AND SUBSCRIBED BEFORE ME

THIS 11 DAY OF April, 20 19.

☐ Deputy CSC ☐ Asst. CSC ☐ Clerk of Sup. Ct. ☐ Mag. ☒ Judge


Signature of Applicant

Page 6 of 6

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APPLICATION

FOR ORDER TO PREVENT DISCLOSURE TO THE USERS WITH ACCOUNTS INVOLVED OF THE EXISTENCE OF A SEARCH WARRANT RELATED TO GOOGLE ACCOUNTS ASSOCIATED DEVICE INSIDE THE FOLLOWING AREA, DURING THE FOLLOWING TIME FRAME: North West Corner 35.858148° -78.655719°

North East Corner 35.858444° -78.655088°

South East Corner 35.857674° -78.655165°

South West Corner 35.858017° -78.654377° During the following time frame: 0100 hours Eastern and 1000 hours Eastern, on 4/7/2019 SAID SEARCH WARRANT DATED 4/11/2019.

NOW COMES DETECTIVE GH Petersen of the Raleigh Police Department, and petitions the Court to authorize an order to prevent disclosure of the search warrant dated 4/11/2019 to the users with accounts involved. Said search warrant authorizing the search of Google servers for accounts associated devices that were inside the following area, during the following time frame: North West Corner 35.858148° -78.655719°

North East Corner 35.858444° -78.655088°

South East Corner 35.857674° -78.655165°

South West Corner 35.858017° -78.654377° During the following time frame: 0100 hours Eastern and 1000 hours Eastern, on 4/7/2019

Pursuant to 18 U.S.C. § 2705(b), and 3103a(b), this applicant requests that the proposed order direct the provider, and all other communications providers, persons or entities who are obligated by the proposed warrant to provide assistance to the investigative agency, not to disclose in any manner, directly or indirectly, by any action or inaction, to the subscriber(s) or to any other person, the existence of the proposed warrant, in full or redacted form, the existence of the legal request or the existence of this investigation, unless otherwise ordered by this Court; and that the identity of any account users included within the search results may be redacted from any copy of the proposed warrant to be served on any service provider or other person.

The existence and scope of this ongoing criminal investigation is not publicly known. As a result, premature public disclosure of this affidavit or the requested warrant could alert potential criminal targets that they are under investigation, causing them to destroy evidence, flee from prosecution, or otherwise seriously jeopardize the investigation. In light of the serious nature of the crime under investigation, premature revelation of this investigation may alert dangerous targets that they have been identified by others and endanger the safety of witnesses who have been cooperating with the Government.

Accordingly, there is reason to believe that, were the Provider to notify subscribers or users of the Subject Accounts or others of the existence of the warrant, the investigation would be seriously jeopardized. Pursuant to 18 U.S.C. § 2705(a), I therefore respectfully request that the Court direct the Provider not to notify any person of the existence of the warrant for a period of 90 days from issuance, subject to extension upon application to the Court, if necessary.

For similar reasons, I respectfully request that the accompanying warrant and all papers submitted herewith be maintained under seal until the Court orders otherwise, except that the Government be permitted without further order of this Court to provide copies of the warrant and affidavit as need be to personnel assisting it in the investigation and

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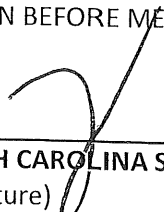
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prosecution of this matter, and to disclose those materials as necessary to comply with discovery and disclosure obligations in any prosecutions related to this matter.


The Applicant declares under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief and that this declaration was executed on 4/11/2019.

SWORN BEFORE ME ON



NORTH CAROLINA SUPERIOR COURT JUDGE
(Signature)

PRINTED



AFFIANT'S NAME (Signature)



PRINTED

REF:

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ORDER

TO PREVENT DISCLOSURE TO THE USERS WITH ACCOUNTS INVOLVED OF THE EXISTENCE OF A SEARCH WARRANT RELATED TO GOOGLE ACCOUNTS ASSOCIATED DEVICE INSIDE THE FOLLOWING AREA, DURING THE FOLLOWING TIME

FRAME: North West Corner 35.858148° -78.655719°

North East Corner 35.858444° -78.655088°

South East Corner 35.857674° -78.655165°

South West Corner 35.858017° -78.654377° During the following time frame: 0100 hours Eastern and 1000 hours Eastern, on 4/7/2019 SAID SEARCH WARRANT DATED 4/11/2019.

THIS MATTER having come before me on a petition by the Raleigh Police Department and it appearing to the court that public release of the information related to this search warrant would be detrimental to an ongoing criminal investigation related to this search warrant dated 4/11/2019, authorizing the search of Google servers for accounts associated devices that were inside the following area, during the following time frame: **North West Corner 35.858148° -78.655719°**

North East Corner 35.858444° -78.655088°

South East Corner 35.857674° -78.655165°

South West Corner 35.858017° -78.654377° , during the initial time frame between 0100 hours Eastern and 1000 hours Eastern, on 4/7/2019.

Pursuant to 18 U.S.C. § 2705(b), 3123(d), and 3103a(b), it is ordered that the provider, and all other communications providers, persons or entities who are obligated by the proposed order to provide assistance to the investigative agency, not to disclose in any manner, directly or indirectly, by any action or inaction, to the subscriber(s) or to any other person, the existence of the proposed warrant, in full or redacted form, the existence of the legal request, or the existence of this investigation, unless otherwise ordered by this Court; and that the identity of any account users included within the search results may be redacted from any copy of the proposed warrant to be served on any service provider or other person. Specifically, being as disclosure of the requested order and investigation would likely result in continued flight from testimony, a modification of the suspect's activities or the activities of those with whom the suspect communicates and associates, or the destruction or tampering of evidence; and would otherwise seriously jeopardize the investigation; the applicant further requests, pursuant to the delayed notice provisions of 18 U.S.C. § 2705(a), for an order delaying any notification to the subscriber or customer that may be required by 18 U.S.C. § 2703(b) to obtain the contents of communications, for a period of ninety (90) days.

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South West Corner 35.858017° -78.654377° During the following time frame: 0100 hours Eastern and 1000 hours Eastern, on 4/7/2019, data maintained on computer servers controlled by Google, Inc.

THEREFORE, IT IS ORDERED that the search warrant dated 4/11/2019, not be disclosed to the users with accounts involved or other parties for a period of ninety (90) days. Said search warrant authorizing the search of Google servers for accounts associated devices that were inside the following area, during the following initial time frame: **North West** Corner 35.858148° -78.655719°
North East Corner 35.858444° -78.655088°
South East Corner 35.857674° -78.655165°
South West Corner 35.858017° -78.654377° , during the initial time frame between 0100 hours Eastern and 1000 hours Eastern, on 4/7/2019.

SWORN BEFORE ME ON

4/11/19

NORTH CAROLINA SUPERIOR COURT JUDGE
(Signature)

PRINTED
K. Gregh

STATE OF NORTH CAROLINA

File No.

In The General Court Of Justice

Wake County

☐ District ☒ Superior Court Division

IN THE MATTER OF:

Name

accounts associated devices inside geographical
area listed on warrant

Date Of Search

4/12/19

INVENTORY OF SEIZED PROPERTY

G.S. 15A-254, -257

I, the undersigned officer, executed a search of:

Person, Place Or Vehicle Searched

This search was made pursuant to

- ☒ a search warrant issued by: *Superior Judge Gregory*
☐ a consent to search given by:
☐ other legal justification for the search:

The following items were seized:

- information from Google pertaining to requested search

Seized Items Continued

☐ I am leaving a copy of his inventory with the person named below, who is:

- ☐ the owner of the place search.
- ☐ the owner of the vehicle searched.
- ☐ the person in apparent control of the place searched.
- ☐ the person in apparent control of the vehicle searched.
- ☐ the person from whom the items were taken.

☐ As no person was present, I am leaving a copy of this inventory:

- ☐ in the place searched, identified on the reverse.
- ☐ in the vehicle searched, identified on the reverse.

Name And Address Of Person To Whom A Copy Of This Inventory Was Delivered

The law enforcement agency identified below will hold the seized

SWORN AND SUBSCRIBED TO BEFORE ME

Date
Cynthia H. BOBBITT

Signature
Cynthia H. Bobbitt

- ☒ Deputy CSC
- ☐ Assistant CSC
- ☐ Clerk Of Superior Court
- ☐ Magistrate

Signature Of Law Enforcement Officer

Title Of Law Enforcement Officer
Detective GH Petersen

Name And Address Of Agency
Raleigh Police
6716 Six Forks Rd
Raleigh, NC

ACKNOWLEDGEMENT OF RECEIPT

I, the undersigned, received a copy of this inventory.

Date

Signature Of Person Receiving Inventory